

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Desiree ULIBARRI

Case No.

Defendant(s)

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

JUL 25 2016

MATTHEW J. DYKMAN
 CLERK

16mj 2999

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 24, 2016 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC 846

Conspiracy to Distribute Oxycodone

Title 21 USC 841 (a)(1), (b)(1)(c)

Possession with the Intent to Distribute Oxycodone

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Jennifer Olsen
 Complainant's signature

Special Agent Jennifer Olsen

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/25/2016

William P. Lynch
 Judge's signature

City and state: Albuquerque, New Mexico

William P. Lynch

Printed name and title

AFFIDAVIT

I, Jennifer Olsen, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent with the Drug Enforcement Administration (DEA), and have been since March 2003. I am a criminal investigator for the United States within the meaning of Title 21, U.S.C., Section 878, and therefore I am empowered to conduct investigations of, and make arrests for, the offenses enumerated in Title 21 and Title 18. Accordingly, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am currently assigned to the Albuquerque District Office under the El Paso Field Division. I have a Bachelor of Science degree in Administration of Justice from Rutgers University.

The facts set forth in this affidavit are known to me as a result of my investigation and information from other agents and law enforcement officers. These are not all the facts known to me throughout the course of this investigation, but rather only those that are essential to establish probable cause for charging a complaint against Desiree ULIBARRI for the federal violations listed herein.

This Affidavit is made in support of the issuance of a Criminal Complaint charging Desiree ULIBARRI with violations of Title 21 USC 846 Conspiracy to Distribute Oxycodone and Title 21 USC 841 (a)(1), (b)(1)(c) Possession With the Intent to Distribute Oxycodone.

PROBABLE CAUSE

On July 21, 2016, members of the Albuquerque District Office of the Drug Enforcement Administration became aware of a Registered Nurse, by the name of Desiree ULIBARRI, who was believed to be illegally diverting prescription controlled substances. ULIBARRI's employer of Alliance Home Health and Hospice noticed that ULIBARRI was documenting her patients' medications in such a way that made it difficult for her supervisors to reconcile the medications, in addition to her picking up the packages of prescription pills herself at the Federal Express shipping facility instead of having them shipped directly to the patients' residences as scheduled.

On July 22, 2016, agents met with ULIBARRI to discuss the allegations of prescription pill diversion made by Alliance Home Health and Hospice. ULIBARRI admitted to picking up multiple packages from the Federal Express shipping facility intended to be delivered to patients' residences. ULIBARRI further admitted to providing other people with pills. ULIBARRI provided consent to search her residence where she provided agents with 80 10mg oxycodone pills which she stated came from


the pill packages she picked up at the Federal Express shipping facility.

ULIBARRI provided me with her cellular telephone and consent to search it. A preliminary review of text messages in the cellular telephone showed a frequent exchange of pills between ULIBARRI and an individual believed to be co-worker and also a Registered Nurse. Text messages discussed the pick-up of packages at the Federal Express shipping facility. The text messages showed that the distribution began in approximately April 2016 and that both registered nurses were actively distributing the pills.

A review of the missing packages as determined by Alliance Home Health and Hospice revealed approximately 3,870 pills diverted resulting in approximately 42,150 total milligrams of oxycodone.


Based on the information provided by Alliance Home Health and Hospice, ULIBARRI's statements and her cellular telephone, I believe that ULIBARRI conspired with another Registered Nurse to illegally obtain and distribute oxycodone between April 24, 2016 and July 22, 2016. Furthermore, I believe the pills she provided to agents were in her possession with the intent to distribute them.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Jennifer Olsen
Special Agent
U.S. Drug Enforcement Administration
Albuquerque District Office

Sworn before me on this the 25th day of July, 2016



William P. Lynch
United States Magistrate Judge
New Mexico Judicial District
Albuquerque, New Mexico